## REMARKS

**INTRODUCTION:**

In accordance with the foregoing, claims 3 and 4 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 3 and 4 are pending and under consideration.

**REJECTION UNDER 35 U.S.C. § 112:**

In the Office Action, at page 2, claim 3 was rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

According to the Office Action, claims 3 and 4 contradict themselves as claim 4 "details that the data group is deposited into the second object but then states that the data group is not incorporated into the second object." The claims have been amended to further clarify the subject matter recited therein. Support for the claimed features of incorporating "at least some of a first data group of the data groups of the first object into the second object at a beginning of an access to the second object," may be found on page 2, line 36, to page 3, line 4. According to the Specification, the first object 3 includes data groups 6b through 6f. See page 2, lines 15-24. Data modifications in data groups 6b through 6d of the first object 3 occur, but not modification in data groups 6e and 6f.

In view of the foregoing, it is respectfully requested that the rejection to the claims be withdrawn.

**REJECTION UNDER 35 U.S.C. § 102:**

In the Office Action, at page 3, claim 3 was rejected under 35 U.S.C. § 102 in view of EP 0725337A1 to BERRY ("BERRY"). This rejection is traversed and reconsideration is requested.

BERRY describes an OODE allowing a program developer to create cards and then place objects on the cards. See page 4, lines 3-6 of BERRY. After the developer creates card 212, the developer can copy prototypical objects 214-220 from toolbar 210 onto card 212. These copied objects are called derived objects. Derived objects are of the same class and instance as the prototypical object from which they were derived and take all of their attribute information from the prototypical objects. However, BERRY is silent as to teaching or suggesting, "a second object having a pointer, the first object being a model for the second object, wherein the software tool incorporates at least some attributes of **a first data group** of

the data groups of the first object into the second object **at a beginning of an access** to the second object," emphasis added, as recited in independent claim 3. Nothing in the cited reference teaches or suggests that the prototypical objects of BERRY are incorporated by a software tool at a beginning of an access to the derived objects thereof nor that "attributes of **a first data group** of the data groups of the first object into the second object **at a beginning of an access** to the second object," as recited in independent claim 3.

BERRY generally describes that the OODE automatically creates a derived object identical to "fButtonPrototype" and places it on the card (not shown). The derived object has the same attribute values as a prototypical button 220. See page 5, lines 16-19 of BERRY. Further, in BERRY, a display of the OODE is shown in Figure 2. Displayed is a toolbar 210 containing a palette of objects and "card" 212 onto which the objects can be copied. The objects include rectangle 214, ellipse 216, text input field 218, and button 220. See page 3, lines 47-50 of BERRY. However, the referred portion of the cited reference is silent as to teaching or suggesting, "the software tool incorporates at least some attributes of a first data group of the data groups of the first object into the second object at a beginning of an access to the second object," as recited in independent claim 3.

On page 6 of the Office Action, it is stated that the Applicants are relying on features not recited in the claims. Specifically, according to the Office Action, Applicants are relying on the following statement, "the prototypical objects are incorporated by a software tool at a beginning of an access to the derived objects." Applicants respectfully traverse such assertion. In the response filed on July 14, 2003, Applicants strictly quoted the recitations of the claims. The statement that the Office Action relies upon was used based on the description provided in BERRY, not as to what the claims recite. Nothing in BERRY teaches or suggests that the prototypical objects of BERRY are incorporated by a software tool at a beginning of an access to the derived objects.

In the present Office Action, it is indicated once again that it is inherent that the second object must be created first before you can access the object. However, "[a]nticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. See Lindemann Maschinenfabrik GMBH v. American Hoise and Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). The Patent Office has the burden of making out a prima facie case, which requires it to produce the factual basis for its rejection in an application under §§102 and 103. See In re Warner, 154 USPQ 173, 177 (CCPA 1967). Furthermore, "when an examiner relies on inherency, it is incumbent on the examiner to

point to the 'page and line' of the prior art which justifies an inherency theory." See Ex parte Schricker, 56 USPQ2d 1723 (BdPatApp&Int 2000). Accordingly, it is respectfully requested once again that the burden required be met and that a page and line number of the references cited be provided justifying the inherency theory presented in the Office Action.

In view of the foregoing, it is respectfully requested that independent claim 3 and related dependent claim 4 be allowed.

**REJECTION UNDER 35 U.S.C. § 103:**

In the Office Action, at page 4, claim 4 was rejected under 35 U.S.C. § 103 in view of BERRY and "Java Programming Basics" by EDITH ("EDITH"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Referring to Edith, this reference generally provides an introduction to Java, discussing object-oriented concepts, Java applets and their uses, then goes into program structure, variables and classes, operators, and so forth. However, similarly to Berry, Edith fails to teach or suggest, "a second object having a pointer, the first object being a model for the second object, wherein the software tool incorporates at least some **attributes** of **a first data group of the data groups of the first object** into the second object **at a beginning of an access** to the second object," emphasis added, as recited in independent claim 3. Thus, even if assuming, arguendo, that Berry and Edith are combined, the combination thereof would not provide for all the claimed features of independent claim 3.

Accordingly, it is respectfully requested that independent claim 3 and dependent claim 4 be allowed.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution

can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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